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ABSTRACT

An independent, critical press has been active in Nigeria for a century. Most newspapers are privately owned and publish a range of news and commentary, often critical of the government. The history of the relations between the press and the government during the century, and particularly during the 20 months of rule by the Mohammedu Buhari regime (1984-1985) when the status of an independent press was threatened by actions taken by the government, deserves attention. During the colonial period, the Nigerian press attacked the British on issues of land rights, citizenship rights, and local representation in decision making. The press played a vital role in helping Nigeria achieve independence in 1960. At this time, there are 20-plus daily and weekly newspapers published in the country. Unlike most African countries where the government owns the single newspaper, most of the papers in Nigeria are published by individuals. Beyond mere watchdogs of the government, several Nigerian papers are legitimate competitors of the government for national influence. Historically, relations between the government and press have been strained. During the Buhari, regime, relations broke down entirely. In April 1984, the government enacted Decree 4, which punished both newspapers and reporters who published stories which embarrassed the military leadership or were not accurate. Two reporters were arrested, tried, and convicted for publishing a story which contained one inaccuracy. The historical resiliency of the Nigerian press may be tested severely as the nation moves toward a Third Republic. (One hundred and ten notes are included.) (RAE)

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GOVERNMENT-PRESS RELATIONS IN NIGERIA

CONFLICT AND CONFRONTATION, 1880-1987

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ABSTRACT (250)

GOVERNMENT-PRESS RELATIONS IN NIGERIA:
CONFLICT AND CONFRONTATION, 1880-1987

An independent, critical press has been active in Nigeria for a century. Most newspapers are privately owned and publish a range of news and commentary, often critical of the government. This paper traces the state of relations between the press and the government over the century. Attention is given to the 20 months of rule by the Buhari regime (1984-1985) during which the status of an independent press was threatened by actions taken by the government. During the colonial period, the Nigerian press attacked the British over land rights, citizenship rights, and local representation in decision making. The press played a vital role in helping Nigeria achieve independence in 1960. Presently, there are 20-plus daily and weekly newspapers published in the country. Unlike most African countries where the government owns the single newspaper, most of the papers in Nigeria are published by individuals. Beyond mere watchdogs of the government, several Nigerian papers are legitimate competitors to the government for national influence. Historically, relations between the government and the press have been strained. Under Buhari, relations broke down entirely. The government, in April, 1984, enacted Decree 4 which punished both newspapers and reporters who published stories which embarassed the military leadership or were not accurate. Two reporters were arrested, tried, and convicted for publishing a story which contained one inaccuracy. This paper describes this and other actions taken against the press by Buhari and his successor.

Since independence in 1960, Nigeria has been ruled by several political and military administrations. Frequent changes in government have come to be accepted as routine by Nigerians./1 However, the most recent military coup was significant to observers of journalism on the African continent because of the role played by the Nigerian media in mobilizing opposition to the regime of Major General Mohammedu Buhari. In late August of 1985, Major General Ibrahim Babangida overthrew the military government of Buhari. One of the first and most widely publicized actions of Babangida was the release of several political prisoners being held in Kiri Kiri Prison in Lagos. Among those prisoners were several journalists under detention because they continued to violate draconian measures initiated by Buhari to stifle the press. /2 Such measures were consistent with a long tradition of governmental threats to the historical independence of the federation's print media./3

After the reporters were released, in front of the cameras of the National Television Authority, Babangida addressed the nation for the first time as head-of-state on August 25, 1985. One of the major themes of that address was the need to revitalize the Nigerian press after 20 months of repression under Buhari./4 During those 20 months (from December 31, 1983 to August 25, 1985) hundreds of newspaper editors and reporters were detained for publishing stories counter to official government positions./5 The

regime closed radio and television stations that were viewed as too independent./6 And, most important, Buhari enacted Decree 4 which justified governmental control of the content of the nation's newspapers and magazines.

Despite consistent attempts by various regimes to influence the print media, the Nigerian press has come to be regarded as Africa's most developed./7 There are more than 20 daily and weekly English language periodicals regularly published in the country./8 Most of the publications are privately owned and financed./9 Several of the important newspapers have histories that predate independence./10 A range of editorial opinion is expressed in these media since each usually represents a particular ethnic, regional, or political perspective./11 If one publication does not cover an event, almost certainly another one will. The Nigerian press is, by any standard, colorful. Sensational accusations are not always backed with documentation and opinion consistently finds its way into the straight news columns. Efforts by colonial, civilian and military leaders to thwart the press have often led to strained relations between the government and editors and publishers. Newspapers have often been forced to overcome various unfavorable rules and regulations dictated by government to continue publication./12 What has emerged in Nigeria is, by African standards, an independent, privately owned, and often critical press.

Arguments about the inherent value of an independent press in a developing country have been well articulated./13 One perspective holds that an independent press provides a watchdog function to make sure that the government operates in a manner consistent with the needs of its citizens./14 The other, argued throughout the developing world, maintains that a government must use all available channels of communication, including newspapers, as the logical extension of its development plan. An independent press can be regarded as an unnecessary luxury, perhaps even hindering development./15 The contention is that the government knows best about national priorities and should have the means to communicate without any competition for the attention of its citizens./16 Throughout Africa, government ownership of the channels of communication, both electronic and print, is the norm. However, Nigeria is different from its neighbors on the continent in several important ways. Mytton offers six characteristics of the contemporary press in Africa./17 According to Mytton, the African press: (1) is centralized, (2) is operated by reporters and editors who are employed by the government, (3) provides the official voice of the state, (4) was created by the government for its own purposes, (5) is constrained by limited human and financial resources, and (6) must respond appropriately to the role placed on it by the government to continue to exist. As noted previously, none of these generalizations can be used to describe Nigeria's print press./18

Rather than being an instrument of political power, the press in Nigeria acts often as a rival to those in power./19 Newspapers and their publishers have outlived the leadership of most political and military regimes. This longevity provides the press with an important forum in the country. Nigerian newspapers, acting in the role of competitor to the government for national influence, have established a tradition of freedom of comment, even if such comment is anti-government. The tradition stretches back to 1880 when the Lagos Times was first published./20 This competition for national influence has created an uneasiness in the relationship between the government and the press, not unlike the antagonistic relationship between reporters and politicians in western democracies. When this competition for influence became too intense for the government in power, efforts were usually undertaken to pass legislation aimed at controlling the press./21 At least six major pieces of legislation, restricting the freedom of newspapers, can be found in Nigerian law, prior to the enactment of Decree 4./22 These laws provided the foundation used by the Buhari regime in the development of Decree 4./23

This essay examines the relationship between political leadership and the press in Nigeria since independence. The study concentrates on the 20 months of

the Buhari regime. It also considers relations between the press and the political leadership before and after Buhari since such relations help us understand the traditional role of the press in the country. Four lines of inquiry will be pursued: (1) the historical context of press freedom in Nigeria and the assumptions about personal liberties held by Nigerians as exemplified by a critical, active press; (2) actions taken by Buhari to redefine the role of the press in Nigerian society; (3) the reactions of the press to actions taken by the regime in its increasingly totalitarian practices; and (4) events beyond Buhari which may suggest the future of the relationship between the nation's press and leadership.

HISTORICAL CONTEXT OF PRESS FREEDOM

Beginning in the colonial period, the press played an important role in the development of Nigeria. By 1900 nine newspapers had been published in Lagos./24 As early as 1899, the Standard took on the British Governor over the issue of ownership of forest lands./25 Several Lagos newspapers attacked the colonial office because there was a lack of Nigerian representation in decision making./26 Since the colonial residents were British subjects, Nigerians assumed that press freedom would apply to them./27 Omu makes this point:

> Few issues united the people of Lagos and excited their wrath as much as the threat to press liberty. In defense of it, they quoted English principles, asserted rights and privileges, mounted agitation and made sacrifices in contributions to offset libel costs./28

Tension between the colonial office and the press began very early with the conviction of a reporter for the Lagos Observer for publishing an article that was an "imputation of improbity and corruption against those who administered justice in the colony."/29 Later in 1891, the colonial office enacted the Official Secret Ordinance to prevent government workers from disclosing secret information to the press./30 The Newspaper Ordinance of 1903 defined what a newspaper was and required a publisher to post a bond to make sure that his newspaper met the definition./31 Herbert Macaulay and his Daily News was a frequent offender of the government. He served a 185-day sentence in 1918 for publishing a rumor "intended to incite one class against another."/32 In 1929 he was again tried, this time for contempt./33 Through the 1940's and 1950's the Lagos press was successful in reorienting the nationalization campaign from one that was intended to secure opportunities for Nigerians in administration to an all out independence movement./34

In theory, during the colonial period, press freedom was protected by statute since the Nigerian courts possessed the power to review acts of the colonial government to see that they were in accordance with the law and tradition of British justice./35 As a practical matter, however, colonial judges were civil servants who would not be expected to challenge colonial authority./36 When the press became too vociferous in criticizing the British, offending newspapers were closed, despite the common law tradition of an independent press./37

During the First Republic, the British-styled Constitution identified press freedom as a goal. Judges, during this period rejected the opportunity to interpret broadly the individual rights provision of the 1960 Constitution and generally upheld the power of the government to curtail the press when it was in the public interest./38 Within this narrow interpretation, the press could print anything that could not be construed as "malignant," "seditious," or "untrue rumor." Working under this provision of the Constitution, several "opposition" newspapers were closed during the First Republic./39

In the first period of military rule, the Nigerian Supreme Court issued a declaration of judicial independence and held that the courts must be open to insure that the fundamental rights of Nigerian citizens were protected./40

However, the military issued a decree nullifying that decision./41 After General Murtala Mohammed replaced the Ibo officers in 1966, he issued an order which nullified a previous bill that had targeted several newspapers for closure./42 Major General Yakubu Gowan, who replaced the murdered Murtala, delivered an impassioned defense of an independent press after becoming head-of-state:

> I cannot tell them what to do since we do not dictate policy to any press here; they have been independent and they ought to be. The press has to tell the truth, to be objective and honest so that the people can rely on what they print. They should tell us off when they feel we are wrong and commend when they feel it is worthwhile./43

Despite this defense of the principle of press freedom, military rulers did pass Decree 17 in 1967 which gave the head-of-state the power to prohibit the publication of any newspaper he felt was detrimental to the "best interest of the federation."/44 While having this power, the Murtala-Gowan governments were apparently reluctant to use it even during the turmoil of the civil war since relatively few newspapers were closed during this period./45

The 1979 Constitution explicitly recognized the power of judicial review and prohibited the legislature from

enacting any law that ousted or purported to oust the courts from jurisdiction./46 The courts also assumed a more active role in protecting individual liberties, including press freedom./47 Even though the Constitution protected an independent press, there was widespread persecution of reporters during the Second Republic./48 Political parties in respective states controlled the newspapers. If the party in power was defeated in the elections of 1983, the new party closed down the opposition newspaper immediately. For example, the Triumph, published in Kano State, was closed by new Governor Bakin Zuwo when he was sworn in 1983./49

The press in Nigeria through 1983 experienced a rough and tumble relationship with the government regardless of whether civilians or the military controlled Lagos. Subsequent actions against the press taken by Buhari need to be examined within this framework of continuing competition between major newspapers and the national leadership for influence with the nation's citizenry. This competition was usually exemplified in the press through strong and pointed editorials opposing the government and via rambling news stories calling attention to national problems such as corruption, crime, and factionalism.

ACTIONS TAKEN BY BUHARI AGAINST THE PRESS

Buhari, a northern muslim, came to power on December 31, 1983 in what has been called the "velvet glove coup," for its absence of violence./50 He established a 12-member Supreme Military Council (SMC) under the direction of Chief-of-Staff Tunde Idiagbon, a southern muslim. Since there was wide disenchantment with the Second Republic, both the general population and the press greeted the military intervention warmly./51 The SMC took control of the country and initiated a national "War Against Indiscipline" (WAI) complete with buttons and a public relations campaign carried out through newspaper advertisements. The press cooperated by publishing favorable articles about the SMC. Newspapers jumped on the WAI campaign by giving the effort free publicity. One newspaper suggested editorially that the media could be more "disciplined" by checking their sources for accuracy before publishing./52 But, after an initial honeymoon period, the tone of relations between the press and the SMC began to change for the worse. Buhari, in an early speech, said: "We cannot stop you (the media) from publishing, but please, let anything you publish about us be accurate."/53 A few weeks later, Idiabgon suggested that it was the duty of the press to disseminate only correct information and to give "positive guidance to the country."/54 Within the inner circle of SMC members, there was apparently a planned effort by some members to redefine

the traditional independent role of the Nigerian press through direct control of content./55 In early February, Buhari said that he intended to "tamper" with the 1979 Constitutional provision guaranteeing press freedom./56

Because political power in Nigeria has bounced back and forth between the military and civilians, the legal system contains both constitutional provisions based, on American and English case law, and edicts and decrees enacted by the military. Buhari repealed, by edict, the provisions in the 1979 Constitution that laws inconsistent with the Constitution are void and the courts could not be ousted of their jurisdiction to hear constitutional matters./57 Immediately, the military began to issue decrees. Decree 2 prohibited the courts from hearing suits to challenge the detention of personnel on national security grounds. And, on March 29, 1984, Decree 4 was issued. In part, Decree 4 punished any person who published:

> ...in any form, whether written or otherwise, any message, rumor, report, or statement which is false in any material particular or which brings or is calculated to bring Federal Military Government or the government of a state or public officer to ridicule or disrepute./58

Further, the decree stipulated that the burden of proving the:

> ...message, rumor, report or statement which is the subject matter of the charge is true, in every material particular was placed on the person charged./59

A person charged under Decree 4 would be tried before a tribunal of three military officers and a judge who would act as chair. The defendant could be imprisoned for up to four years and fined more than 10,000 Naira. Legal efforts seeking to have the courts regain jurisdiction in the matter failed./60 Thus, the democratic model of looking to the courts for protection of basic liberties was effectively thwarted./61

Within a month (early spring of 1984), the SMC decided to prosecute the Guardian under Decree 4. The Guardian founded in Lagos in early 1980, had quickly become one of the nation's most respected newspapers. Rather than practicing the sensational brand of journalism employed by many other newspapers in the federation, the Guardian was essentially a thorough and conservative publication./62 On April 11, 1984, two reporters for the Guardian, Tunde Thompson, the paper's senior diplomatic correspondent, and Nduka Irabor, the assistant news editor, were arrested for publishing a story based on future diplomatic postings. The story contained three major points: (1) that the federal

government had intended to close 11 diplomatic posts, (2) that eight military officers were to be named to ambassador postings, and (3) that an individual named Haruna was to replace an individual named Hannanuya as Ambassador to the United Kingdom./63 While the government disputed all three claims, the reporters were convicted by a tribunal only on the third (e. g. that Haruna was to replace Hannanuya). The trial was widely covered by the nation's media as well as international reporters./64 A former justice on the Nigerian Supreme Court vigorously defended the reporters but they were sentenced to one year at Kiri Kiri Prison nevertheless./65

There are two factors in Buhari's Decree 4 strategy that warrant examination. First, the decision to move against the Guardian, perhaps the nation's most professional and objective newspaper, appeared to be calculated to warn other publications of the seriousness of the regime's suppression efforts./66 The Guardian was noted for publishing news with heavy attribution and documentation and the paper was generally free of the regional and ethnic influences characteristic of other Nigerian periodicals. Given the sensationalism practiced by some competing newspapers, there were probably more obvious candidates for prosecution. The government's decision to target the Guardian may have been based on Buhari's respect for the quality of the newspaper. Actions taken against the

Guardian certainly sent shockwaves through the Nigerian media./67 But, the prosecution of the Guardian apparently was not successful in frightening other newspapers into compliance with the wishes of the government. Rather than quieting the press, it may have had the opposite effect of increasing the level of opposition to the regime./68

Second, Thompson and Irabor had several sources for all three points in their diplomatic story. In fact, the first two points, at first challenged by the government, were later shown to be accurate during the trial./69 While the sources were never revealed, the fact that the reporters did have documentation for all three points was never challenged by the government prosecutor./70 Thus, as a result of Decree 4, two reporters from one of the nation's best newspapers were each sentenced to one year in prison for publishing a single story suggesting, apparently incorrectly, that a change in a single diplomatic position was going to take place.

The prosecution of Thompson and Irabor was one of a number of actions against the media taken by Buhari. During 1984, the regime also:

*arrested as many as 20 reporters for publishing disrespectful articles./71 Rather than full trials, many of these journalists were detained for long periods./72

*dismissed without notice radio and television reporters throughout the federation. Radio and television stations were closed./73 While the government argued that the dismissals were caused by worsening economic conditions, such actions tended to increase the compliance of the electronic media with the wishes of the government./74

*fired management at the major federally funded newspapers. Major purges took place at the Daily Times and the New Nigerian./75 Editors, publishers, and managing directors of state owned media were replaced by State Military Governors acting under the authority provided by Decree 4./76

*denied routinely import licenses (e.g. certificates guaranteeing hard currency) which would have provided for the purchase of newsprint. Several major privately owned newspapers, including the Guardian and the National Concord, had to reduce the size of their daily editions because there was an insufficient supply of newsprint./77

*conducted raids, led by the National Security Organization personnel, into the newsrooms of the nation's newspapers to publically arrest editors and reporters./78

While relations between the government and the media have often been strained in Nigeria, the extent to which the Buhari regime attacked the media was unprecedented in Nigerian history./79

REACTIONS OF THE NIGERIAN PRESS

The Nigerian press, throughout the past century, has been successful in providing daily coverage of national events despite financial difficulties and numerous changes in government. Editorial stand of the nation's daily newspapers provide a genuine sense of nationalism and cohesion in this often fragmented nation./80 A number of scholarly studies conclude that the Nigerian press has played a vital role in helping the country achieve a sense of nationhood./81 In fact, the press has often been more stable than the various governments that have ruled Nigeria and, consequently, has provided more leadership./82 Such newspapers as the National Concord and the Vanguard carry with them a sense of both trust and tradition, especially in the southern part of the country.

In responding to the government's direct persecution, several of the large media houses appeared willing to take on the regime. Four privately owned dailies, the Guardian, the National Concord, Punch, and Sketch reacted vigorously to the attack on the press with frequent anti-

Buhari editorials./83 Even the regional dailies and weeklies reported and commented critically on anti-media measures taken by the government./84 After Thompson and Irabor were arrested, most newspapers covered the case closely and extensively. Since the Guardian was directly involved, it published major stories on the case each day. It printed complete verbatim transcripts of prosecution and defense arguments./85 In fact, during the trial, more than half the news published in the paper dealt with the case. Even the federally owned New Nigerian and the Daily Times reported on the trial./86 The national coverage of the trial provoked the interest of British and American media. The BBC covered the trial, as well as other aspects of the plight of Nigerian journalists. Ultimately, the international coverage of the trial and related matters produced such anti-government publicity that the regime denied visas to western reporters seeking to cover events surrounding Decree 4 and its aftermath./87

While we know of no substantive evidence to support the proposition, one could argue that the press, through its vigorous reporting of what was happening under Decree 4 helped to turn the public opinion against the Buhari regime. By publishing daily stories about actions taken by the regime, the press provided a warning of the imminent threat to basic human rights. In the context of a 100-year tradition of press freedom, the thwarting of the press

probably acted as a reminder to the public of the extent to which Buhari was stifling personal liberties. The regime, by one telling action, may have demonstrated its concern about its worsening image with the nation's media. After Thompson and Irabor had served their prison terms, they were to be released in mid-April, 1985. The Nigerian Union of Journalists had planned a parade and reception for them in Lagos. Apparently fearing the negative consequences of anti-government coverage, the Buhari regime freed the reporters at 3 a.m., eight hours before their their widely noted and previously scheduled 11 a.m. release./88 The early release, rather than being covered as a live event, was reported after the fact with significantly less coverage. The action prevented a major media event symbolizing the growing hostility between the government and the media.

GOVERNMENT AND THE PRESS AFTER BUHARI

On the evening after his successful coup, officers loyal to Babangida, followed by electronic and print journalists, entered Kiri Kiri Prison and released several political prisoners including four reporters who were being held under Decree 4./89 Obviously, the move was intended to dramatize the change of attitude toward the press. The release was widely reported throughout the country. In

Babangida's first speech broadcast on all the nation's radio and television stations, the new head-of-state said:

> In light with this government's intention to uphold fundamental human rights, the issue of the political detainees will be looked at with dispatch. As we do not intend to lead a country where individuals are under fear for expressing themselves, the Public Officers Protection Against False Accusation, Decree 4 is hereby repealed with immediate effect. All journalists who have been in detention under this decree are hereby unconditionally released. The responsibility of the media to disseminate information shall be exercised without any hindrance./90

Later, Babangida expressed a strong commitment to the role of the press during his Independence Day speech of 1985 in which he called for a full discussion of the nation's economic ills to be carried out in the press./91 It appeared that relations between the government and the media were going to improve dramatically under Babangida.

However, relations began to worsen with the governmental attack on Newswatch, a weekly news magazine published in Lagos but widely distributed throughout Anglophone Africa, Britain, and the United States. Newswatch, while being a relatively new publication, had

gained a reputation for investigative reporting and independent editorial positions./92 In October of 1986, the founding editor, Dele Giwa, was killed by a letter bomb delivered to his home. Days before his death, the director of the military intelligence apparently called Giwa asking for directions to Giwa's home./93 There have been calls for an independent commission to investigate Giwa's death but at this writing no commission has been formed and the murder remains unsolved./94 Relations between the government and the publication deteriorated even more when, in April of 1987, Newswatch published a confidential report dealing with the findings of a secret commission studying the future of the country./95 Acting under the 1962 Official Secrets Act, the Babangida government shut down Newswatch without trial./96 On August 27, 1987, the one-year anniversary of his successful coup and the abolishment Decree 4, Babangida allowed Newswatch to resume publication. The magazine immediately challenged the government with an editorial questioning the regime's authority to suspend the periodical in the first place./97 Later in its November 2, 1987 edition, Newswatch published a two page piece commemorating the one-year anniversary of Giwa's death./98 The article contained a passage naming two members of the national security agency purportedly responsible for the editor's death. The article also criticized the government's apparently ineffective efforts at bringing Giwa's killers to justice./99

During the fall of 1987 other publications began to experience pressure from the nation's military leaders. The federal government replaced the top management at both the daily and Sunday New Nigerian./100 The military disagreed with certain advertisements, thought to incite religious unrest in the north, which appeared in the newspapers. Military governors in Plateau State and Kwara State fired the editors and news staffs of state newspapers. In Plateau State the governor sacked Jonathan Ishaku, the editor, along with 100 people on his staff at the state owned Standard./101 The governor was unhappy with a news story, appearing in the Standard, which criticized several of his recent appointments/102 In Kwara State, Chief Ade Fagbemi was fired when the governor became disenchanted with stories appearing in the Herald./103

The closing of Newswatch and actions against other publications have again provoked the historical conflict between the government and the press in Nigeria. Similar to its western brethren, but unlike the media in the rest of Africa, the Nigerian press has played the "watchdog" function, scrutinizing the performance of government officials./104 Yet, there is a strong case made by theorists that a developing nation has priorities more important than an independent press./105 It may be that an independent press is not a sign of developmental progress, but rather a remnant of western colonialism./106 Actions by Buhari followed by the Newswatch case may signal a change

from the traditional Nigerian system to one in which the government will demand close adherence by the print media to the official line. Currently there appears to be a period in which the level of press independence tolerated by the government is under debate. Despite earlier statements to the contrary, actions by the Babangida government suggest that it will draw narrow parameters around the press in terms of allowable public criticism of the regime. Throughout Nigeria's history, there has been periodic negotiations between the press and respective administrations, usually following a change of government, in which the level of tolerable criticism is addressed. These negotiations lead to rather public skirmishes between the government and the press, sometimes triggering input from the courts when the disputes threaten to get out-of-hand./107 Actions taken during 1987 against Newswatch and other publications may signal the start of such negotiations for the Babangida government.

The Nigerian press has been a major player in molding public opinion and a strong competitor with the leadership for the task of setting the nation's social and political agenda./108 Regardless of which government is in power, the press has been unwilling to abandon its critical, independent tendencies. But, the nation's press is in a period of transition due to recent political pressure./109 Statements by the Babangida government suggesting it will

limit participation of former civilian leaders in the future political process may have impact upon the press./110 Since only some civilians will be accorded the right to participate, it may be that only certain publications will be allowed to practice political and social commentary. The historical resiliency of the Nigerian press may be tested severely as the nation moves toward a Third Republic.

NOTES

1. See, for example, "Corruption Said to Destroy Nigerian Democracy," Washington Post, January 14, 1984, sec. A, p. 21; "Northern Nigeria Sees Coup As Step to Islamic Values," Washington Post, sec. A, p. 3; and David Lamb, The Africans (New York: Random House, 1982), pp. 300-301.

2. "Out Goes Decree 4," National Concord, August 28, 1985, sec. 1, p. 1; "Nigeria's New Leader Frees Journalists," Los Angeles Times, sec. 1, p. 12; and Chris W. Ogbondah, "Nigerian Journalism and Decree 4: An Antithesis of Press Tradition." Paper presented at the annual meeting of the International Communication Association, Montreal, Quebec, Canada, May 1987, pp. 5-6.

3. Fred Omu, Press Freedom and Politics in Nigeria, 1880-1937 (London: Longman, 1978), pp. 245-250 and Michael Seng and Gary Hunt, "The Press and Politics in Nigeria: A Case Study of Developmental Journalism," Third World Law Journal VI (Summer 1986): 86-90.

4. Text of Speech, Department of State, August 28, 1985.

5. The Nigerian press as well as the international press covered extensively events surrounding the issuance of Decree 4. Perhaps the most thorough background piece was published in the federally owned New Nigerian ("Three Decrees Promulgated," New Nigerian, April 1 and 2, 1984, sec. 1, p. 1.) While it is difficult to ascertain the total number of arrests and detainments, several studies have provided partial lists: Eddie Iroh, "Honeymoon Over," New African, May, 1984, pp. 12-14; Seng and Hunt, "The Press and Politics in Nigeria," pp. 90-94; and Ogbondah, "Nigerian Journalism and Decree 4," pp. 16-20.

6. "Radio Nigeria Staff Told to Leave Quarters," New Nigerian, August 21, 1984, sec. 1, p. 9; "Six Officials Sacked at Anambra Television," New Nigerian, July 1, 1984, sec. 1, p. 1; and "National Television Authority Jettery Over Purge," National Concord, March 3, 1987, sec. 1, p. 1.

7. Lamb, The Africans, pp. 243-250; Graham Mytton, Mass Communication in Africa (London: Arnold, 1983), pp. 118-130; and Sanford Ungar, Africa (New York: Simon and Schuster, 1986), p. 150.

8. Mytton, Mass Communication, p. 124.

9. Mytton, Mass Communication, p. 125.

10. Two newspapers, the Daily Times and the West African Pilot have histories that can be traced back to the 1930's. The National Concord and the New Nigerian began publishing in the 1960's. For a complete history of Nigerian newspapers, see Omu, Press and Politics in Nigeria, pp. 249-258.

11. Mytton, Mass Communication, p. 126. It should be noted that almost 300 distinct languages are spoken in Nigeria. Only about 30% of the population is literate in English. Speakers of major languages (Hausa in the north, Ibo in the east, and Yoruba in the south) have newspapers published in their languages. Roughly 20 dailies are presently being published in the regional languages. Usually these newspapers translate the news appearing previously in the English language dailies.

12. Seng and Hunt, "The Press and Politics in Nigeria," pp. 86-95. The authors discuss the legal tradition of press freedom in Nigeria. Ikechukwu E. Nwosu, "Mass Media Discipline and Control in Contemporary Nigeria," Gazette 39 (Summer 1987):20 has identified three major codes of ethics for journalists in Nigeria: International Federation of Journalists Code of Ethics, International Press Institute Code of Ethics, and a Nigerian Code of Ethics drawn up in 1979 by representatives of the Nigerian Union of Journalists, Newspaper Proprietors Association of Nigeria, and the Nigerian Guild of Editors. Despite these numerous codes of ethics, Nwosu argues that the media do not always follow them.

13. Sarah Amunuga, "Communication Issues Confronting the Developing Nations," in George Gerbner and Marsha Siefert (eds) World Communication: A Handbook (New York: Longman, 1984, Chapter 8; David Bulletin and Harold Ryan (eds) Voices of Freedom (Boston: Tufts University, 1981), pp. 11-15; Jerry Friedheim, "We Can't Afford A World of Regulated News," The Media Crisis (New York: World Press Freedom Committee, 1982), pp. 19-32; Sean MacBride, Many Voices, One World (Paris: UNESCO, 1980); and Leonard Sussman, "Developmental Journalism," in Philip Horton (ed) The Third Wrold and Press Freedom (New York: Praeger, 1978), pp. 74-81.

14. Leonard Sussman, "New Media and The Third World Challenge," in Dante Fascell (ed) Freedom Under Attack (Beverly Hills: Sage, 1979), pp. 105-178.

15. Jerry Domatob and Stephen Hall, "Development Journalism in Black Africa," Gazette 31 (Fall 1983):9-33. Mytton, Mass Communication presents a thorough discussion of this issue as it relates to Africa.

16. Domatob and Hall,"Development Journalism," pp. 19-22.

17. Mytton, Mass Communication, pp. 131-135.

18. Nigeria's print press is largely privately owned and operated. There are two major federally owned newspapers, the Daily Times, published in Lagos with the largest circulation of any newspaper in Africa, and the New Nigerian, published in Kaduna. In addition, most states publish either a daily or weekly newspaper. The electronic media in the nation are owned and operated by either the federal or state government. Both radio and television broadcasting are quite well developed in the federation. The Federal Radio Corporation of Nigeria ("Radio Nigeria") has stations and transmitters in nearly every state capital. Larger states such as Kano State and Lagos State also own radio stations. The Nigerian Television Authority (NTA) covers the country thoroughly with affiliates in every state. The NTA produces nearly all of its own programming in both English and regional languages. The regularly scheduled evening newscast reaches most of the urban areas in the country via microwave although the NTA is moving toward satellite distribution of programming. Several larger states also have television stations. Those working in broadcasting are either federal or state employees. News content is loosely controlled by the government in power working through the state or federal ministry of information.

19. See, for example Nwosu, "Mass Media Discipline and Control in Contemporary Nigeria," pp. 18-21.

20. Omu, Press Freedom and Politics, pp. 139-140.

21. Omu, Press Freedom and Politics, p. 159.

22. The six were: Official Secrets Ordinance, 1891; Newspaper Ordinance, 1903; Seditious Offence Ordinance, 1911; Censorship Law which was passed in 1917 but repealed in 1918; Official Secrets Act, 1962; and Decree 17, 1967. The Newspaper (Amendment) Act, 1964, while aimed at the distribution of newspapers may have also restricted press freedom. Similarly, Decree 2 (The Circulation of Newspapers Decree) of 1966 prohibited the circulation of certain types of newspapers and, as such negatively impacted press freedom.

23, Nwosu's point in "Mass Media Discipline and Control in Contemporary Nigeria," p. 22 was that Decree 4 was in keeping with a tradition of "control" on the Nigerian press exercised by the government in power.

24. Omu, Press Freedom and Politics, p. 174.

25. Omu, Press Freedom and Politics, p. 139.

26. Omu, Press Freedom and Politics, p. 140.

27. Omu, Press Freedom and Politics, p. 172.

28. Omu, Press Freedom and Politics, p. 171.

29. Omu, Press Freedom and Politics, p. 173.

30. Omu, Press Freedom and Politics, p. 174.

31. Omu, Press Freedom and Politics, p. 181.

32. Omu, Press Freedom and Politics, p. 196.

33. Omu, Press Freedom and Politics, p. 199.

34. Omu, Press Freedom and Politics, p. 247.

35. Seng and Hunt, "The Press and Politics in Nigeria," pp. 86-87.

36. Michael Seng, "Democracy in Nigeria," Black Law Review 9 (Sping 1985):113.

37. Omu, Press Freedom and Politics, p. 239.

38. Seng and Hunt, "The Press and Politics in Nigeria," pp. 87-89.

39. Constitution of the Federation of Nigeria 31 (1960) and 32 (1962). See also Benwo Nwabueze, Constitutionalism in the Emergent States (London: Longman, 1973), pp. 152-53.

40. Seng and Hunt, "The Press and Politics in Nigeria," p. 89.

41. Decree No. 1 (Constitutional Suspension and Modification) (1966).

42. Decree No. 2 (The Circulation of Newspaper Decree) (1966).

43. Reprinted from T. O. Ellis, Nigeria Press Law, 1969, p. 18.

44. Decree 17 (Newspapers-Prohibition of Circulation Decree) (1967).

45. Warren Jakande, "The Press and Military Rule," in Eliu Oyedrian (ed) Nigerian Government and Politics Under Military Rule. (Lagos: Longman, 1979), p. 120.

46. Constitution of the Federal Republic of Nigeria, Section 21 (1979).

47. Seng and Hunt, "The Press and Politics in Nigeria," p. 91. In this article, the authors discuss the Momoh v. Senate of the National Assembly ([1981] 1 N.C.L.R. 105 [High Court: Lagos]) in which the Lagos High Court protected a journalist from having to disclose his confidential sources.

48. Dennis Wilcox, "Black African States" in Ben Curry and Charles Dassen (eds) Press Control Around the World (New York: Praeger, 1982), pp. 220-222.

49. "Triumph Closes," New Nigerian, October 12, 1983, sec. 1, p. 6.

50. "Coup in Nigeria," International Herald Tribune, January 2, 1984, sec. 1, p. 2.

51. "Nigeria's New Leaders Fast Test on Economy," Washington Post, January 21, 1984, sec. A, p. 19.

52. "WAI Without Media," Guardian, April 29, 1984, sec. 1, p. 8.

53. "The Press and the Government," New Nigerian, January 5, 1984, sec. 1, p. 1.

54. "Press Rights," Daily Times, January 21, 1984, sec. 1, p. 1.

55. Gary Hunt and Michael Seng, "The Private Press vs. The Military: A Case Study of Journalistic Confrontation in Nigeria," Paper presented at the annual meeting of the International Communication Association, Montreal, Quebec, Canada, May, 1987, p. 10.

56. "I Intend to Tamper With the Press," National Concord, February 16, 1984, sec. 1, p. 1. Apparently, Buhari was angry with the press during this period since a series of articles about his personal wealth and the value of his residence had appeared immediately before this pronouncement.

57. Decree No. 1 (Constitutional Suspension and Modification Decree) (1984).

58. Decree No. 4 (Public Officers Protection Against False Accusations Decree) (1984).

59. Decree 4.

60. Decree 4.

61. With Decrees 1 and 4, the military government had, through edit, suspended the provisions of the Nigerian constitution dealing with press freedom. The actions gave the government almost total power to punish journalists and their employers for anything published that the military did not like.

62. "Nigeria's New Regime Imposing Stringent Limits on Press," International Herald Tribune, May 3, 1984, sec. 1, p. 2. Reprinted from the New York Times, May 2, 1984.

63. "Reporters on Trial," Guardian, June 6, 1984, sec. 1, p. 1.

64. "Reporters Convicted," Guardian, June 16, 1984, sec. 1, p. 1. Radio reports about the trial appeared on the VOA and the BBC. Reporters from major British and American newspapers and wire services coverd the trial. Two influential magazines, which focus on the continent, published especially comprehensive stories on the trial: Eddie Iroh, "The Honeymoon is Over," New African, May, 1984 pp. 8-10 and Olah Ugochakwo, "The Press on Trial," West Africa, May 7, 1984, p. 1212.

65. "Reporters on Trial," p. 1.

66. See reports of discussions within SMC in Hunt and Seng, "The Private Press vs. The Military," p. 10.

67. "Thompson and Irabor," New Nigerian, July 1, 1984, sec. 1, pg. 1. Point is also made in an overview of the case published as "Newspaper on Trial in Nigeria," West Africa, July 9, 1984, p. 1415.

68. There is disagreement among observers on this point. Our position is that newspapers during and after the trial continued to report freely on actions taken by the government. Such stories as "A Campaign of Intimidation," National Concord, May 2, 1984, sec. 1, p. 1 and "Consultant to Punch Detained by NSO," Guardian, sec. 1, p. 1 tended to keep the confrontation between the media and the government on the front pages, eventually mobilizing opposition to the Buhari regime. Others have argued that the press was, in fact, stiffled by the regime and Decree. This position is articulated in: Ogbondah, "Nigerian Journalism and Decree 4," p. 22; "Press Restrained," Concord Weekly, June 20, 1985, p. 11; and, in an editorial upon the fall of the Buhari regime, the London Times concluded that the press had been "frustrated" and "sharply curbed" under Decree 4 (London Times, September 13, 1985, sec. 1, p. 7).

69. "Reporters Convicted," p. 1.

70. "Irabor and Thompson," p. 1.

71 We have used the figure 20 from our analysis of such stories as: "NSO Takes Away Two Journalist," Guardian, April 11, 1984, sec. 1, p. 1; "Photographer Arrested," Daily Times, June 25, 1987, sec. 1, p. 1; and, "Consultant Detained," Punch, June 1, 1984, sec. 1, p. 1. Ogbondah, "Nigerian Journlism and Decree 4," reported "87 detainees including politicians, foreigners, and journalists" were released when Babangida becme head-of-state. The Los Angeles Times in "Nigeria's New Leader Frees Journalists," August 29, 1985, sec. 1, p. 12 reported that a "large number of journalists were freed." Since some detainees were in federal prison at Lagos and others were in state facilities, accurate and comprehensive records, to our knowledge, do not exist.

72. "Nigeria," IPI Report, June 1984, p. 6.

73. Such stories as "Radio Nigeria Staff Told to Leave Quarters," New Nigerian, August 21, 1984, sec. 1, p. 9; "Six Officials Sacked at Anambra Television," New Nigeria, July 1, 1984, sec. 1, p. 1; and "National Television Authority Jittery Over Purge," Concord, March 3, 1984, sec. 1, p. 1 were routine in Nigerian newspapers during most of 1984.

74. Rarely do the Nigerian electronic media present independent editorial stands. Since the news staffs serve at the pleasure of the leadership, newscasts represent the position of the government. The electronic media did not cover the Decree 4 issue in any detail.

75. "How Federal Media Change Guards," Guardian, July 7, 1984, sec. 1, p. 1.

76. Ogbondah, "Nigerian Journalism and Decree 4," pp. 20-23. There were numerous reports of arrests in the states during all of 1984. The federally-owned Daily Times reported that one of its photographers was arrested by the Imo State Police for taking a picture at the Imo University ("Photographer Arrested," Daily Times, June 25, 1984, sec. 1, p. 1).

77. "Import Licenses," National Concord, July 7, 1984, sec. 1, p. 1.

78. "Campaign of Intimidation," National Concord, p. 1.

79. "Hunt and Seng, "The Private Press vs. The Military," pp. 12-15 and Ogbondah, "Nigerian Journalism and Decree 4," pp. 15-20. However, Nwosu, in "Mass Media Discipline and Control in Contemporary Nigeria..." argues that Decree 4 was another in a line of "control" devices that Nigerian media have come to accept.

80. Frank Ogboajah, Communication Policies in Nigeria, (Paris: UNESCO, 1980), pp. 13-16.

81. See, for example Sylvannua Ekwelie, "The Nigerian Press Under Military Rule," Gazette, 25 (Spring 1979) 130-236; Leonard Hyde, "The Press and Politics in Nigeria," Unpublished Ph.D. Dissertation: Columbia University, 1972; Dennis Wilcox, "Mass Media in Black Africa," Unpublished Ph.D. Dissertation: University of Missouri, 1974; and Omu, Press Freedom and Politics in Nigeria.

82. Lamb, The Africans, pp. 252-254. Ikechukwu Nwosu, "Policy Imperatives for Communication Development," in Frank Ugboahah, Ikechukwu Nwosu, and A. Tom Adaba (eds) Communication Training and Practice in Nigeria, (Nairobi: ACCE, 1987), pp. 3-24, makes a similar point in his analysis of communication education issues in Nigeria.

83. "A Campaign of Intimidation," is probably the best example of these editorials.

84. The Weekly Democrat, privately owned and published in Kaduna, ran a page one editorial in May, 1984 entitled, "Press Freedom" (May 16, 1984, sec. 1, p. 1). The Triumph, owned by the Kano State government, the Herald, owned by the Kwara State government, and Standard, owned by the Plateau State government all covered the Decree 4 and editorialized against governmental attacks on the press.

85. Coverage was thorough throughout the trial. On June 16, 1984, the entire edition was devoted to the case under the banner headline, "Reporters Convicted."

86."Guardian Reporters Convicted," Daily Times, June 16, 1984, sec. 1, p. 1 and "Thompson and Irabor Convicted Under Decree 4," New Nigerian, June 16, 1984, sec. 1, p. 1.

87. While this coverage was extensive, it was represented by such stories as "New Regime Imposing Stringent Limits on Press, Intenational Herald Tribune, May 3, 1984, sec. 1, p. 2. This article was reprinted from the previous day's New York Times. The BBC reported on the trial throughout all of June, 1984. Reporters from the Associated Press, Newsweek, and the London Times covered the trial. Journalists for both the Washington Post and the Los Angeles Times who had previously reported from Nigeria were denied visas during this period. The denial was unusual and probably demonstrated the Buhari's regime growing frustration at the negative international coerage it was receiving.

88. "Reporters Released, Guardian. April 14, 1985, sec. 1, p. 1.

89. "Coup in Nigeria," Los Angeles Times, August 27, 1987, sec. 1, p. 3. Also "New Leader Frees Journalists," Los Angeles Times, August 29, 1985, sec. 1, pg. 12.

90. Text of Speech, Department of State, August 28, 1985.

91. "A Closer View," African Concord, October 24, 1985, p. 12.

92. "Press Alive and Well in Nigeria," Los Angeles Times, April 28, 1987, sec. 1, p. 1.

93. "Press Alive and Well," p. 1.

94. Larry Diamond, "Issues in the Constitutiuonal Design of a Third NIgerian Republic," African Affairs 86: (April 1987): 220.

95. "Future of Nigeria," Newswatch, April 13, 1987, p. 8.

96. "Press Alive and Well in Nigeria," p. 1. See Official Secrets Act 1962.

97. "Press Freedom," Newswatch, August 29, 1987, p.7.

98. "Dele Giwa's Week of Glory," Newswatch, November 2, 1987, pp. 20-21.

99. "Dele Giwa's Week of Glory," p. 20.

100. "Leadership Change," New Nigerian, September 1, 1987, sec. 1, p. 3.

101. "Editor Replaced," New Nigerian, September 10, 1987, sec. 1, p. 3.

102. "Editor Sacked," Standard, September 4, 1987, sec. 1, p. 1.

103. "Leadership Change," New Nigerian, September 15, 1987, sec. 1, p. 1.

104. Seng and Hunt, "The Press and Politics in Nigeria," p. 90.

105. Mytton, Mass Communication in Africa, p. 65.

106. Mytton, Mass Communication in Africa, p. 66.

107. Mytton, Mass Communication in Africa, p. 116 and Seng and Hunt, "The Press and Politics in Nigeria," p. 92.

108. Omu, Press and Politics in Nigeria, p. 250.

109. Nwsou, "Mass Media Discipline and Control in Contemporary Nigeria," p. 23.

110. "Ban on Participation," Los Angeles Times, September 24, 1987, sec. 1, p. 2.